

Figas Coastal Development Permit
Record Number: PLN-2019-15399
Assessor's Parcel Number: 505-192-004

Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Adopt the Resolution 1) finding the project exempt from environmental review pursuant to Section 15303 of the State CEQA Guidelines, 2) making all of the required findings for approval of the Coastal Development Permit, 3) approving the Figas Coastal Development Permit subject to the recommended conditions.

Executive Summary: A Coastal Development Permit is being requested to authorize installation of security fencing along the perimeter of an approximately 20-acre parcel. Though primarily vacant at this time, since at least 1955 eastern portions of the property have hosted a series of industrial uses following establishment of a lumber mill within this area. The western two-thirds of the property were excavated during the 1950's and then utilized as a mill pond. In 1991 a fire destroyed portions of the mill, and in 1994 the property was acquired by the current owner and transitioned to its current uses, which includes storage of general construction equipment and machinery, and storage of topsoil, concrete rubble, and similar materials salvaged from construction jobs performed elsewhere.

The property has experienced unauthorized occupancy, trespass, and arson during past years, resulting in neighborhood complaints about garbage, drug use, and illegal camping. The Humboldt County Planning and Building Department – Code Enforcement Unit (Code Enforcement Unit) opened an enforcement case (19CEU-3) in response to complaints of the alleged nuisances and/or other violations that had occurred and/or existed on the project parcel on October 29, 2018. On February 21, 2019, the property owner was informed of their responsibility to abate the nuisance and served with a “Notice of Violation,” which required corrective action. On April 5, 2019, the property owners, Robert and Kathryn Figas, entered into a Compliance Agreement with the County in order to abate and remedy the violations.

As part of the corrective actions required by the County, the applicant agreed to install new six-foot-tall fencing along the southern and western perimeters of the property. In addition, existing fencing along the northern and eastern portions of the parcel will be extended to six feet in height. A condition of approval has been included which requires the applicant to work with Code Enforcement to determine the fence design and materials to be used. The proposed project is being requested to help curtail the problematic activities and allow for ongoing monitoring and prevention. The proposal is consistent with terms specified under the recently executed compliance agreement between the landowner and the County.

The Tribal Historic Preservation Officers for both the Blue Lake Rancheria and Wiyot Tribe asked for additional information regarding the depth and diameter of the holes to be dug for the fence posts in order to determine whether to recommend a Tribal Monitor during proposed ground disturbance for the fence. Planning staff was unable to obtain specific dimensions from the applicant and therefore is recommending a condition of approval which requires approval of the final fencing design by the Planning Director and for a Tribal Monitor to be present during digging of the footings.

The proposed fence is outside of the SMA but is located within the buffer of a coastal wetland. The proposed fence is consistent with the County's wetland protection policies, both in the Humboldt bay Area Plan and in the Coastal Zoning Ordinance because the fence does not adversely impact the

wetland habitat values and instead protects and enhances habitat values through the protection of the property and wetland areas from the adverse effects of unauthorized trespass and dumping.

RECOMMENDATION: Based on a review of Planning Division reference sources and comments from all involved referral agencies, Planning staff believes that the applicant has submitted evidence in support of making all of the required findings for approval of the Coastal Development Permit.

ALTERNATIVES: Several alternatives may be considered: 1) The Zoning Administrator could elect not to hear this item and put the decision making in front of the Planning Commission. Any decision to place this matter before the Planning Commission must be done before opening the public hearing on this project; 2) The Zoning Administrator could elect to add or delete conditions of approval; 3) The Zoning Administrator could deny approval of the requested permits if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.